

REMARKS

Claims 1-4, 6-32, 34-37, and 39-41 are currently pending in the subject application and are presently under consideration. Claims 1, 3, 7, 8, 10, 16, 19, 25, 27, 28, 31, 34, 36 and 37 have been amended as shown on pp. 2-7 of the Reply. In addition, claim 6 is cancelled with this Reply.

The Examiner is thanked for courtesies extended in a telephonic interview conducted on November 25th, 2008. During the interview, proposed claim amendments were discussed to further distinguish the claims over the cited art and to overcome the objection to claims 6 and 7. Claims 6 and 7 are amended herein to depend from independent claim 1. As discussed, it is expected that such amendments will overcome the objection. Additionally, amendments to independent claim 1 to recite, in essence, aggregating data pertaining to components of multiple systems and generating an output indicating a state of at least one system should overcome the currently cited art. The independent claims are amended generally in this regard. In attendance at the interview, were Matthew Clapper (Reg. 62,216) and Examiner Gilles.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to Claims 6 and 7

Claims 6 and 7 are objected to because of the following informalities: both claims 6 and 7 depend on cancelled claim 5. In order to advance prosecution of the application, the Examiner is under the assumption that both claims 6 and 7 depend on claim 1. Claims 6 and 7 are amended with this Reply to address the Examiner's concerns. Accordingly, withdrawal of this objection is respectfully requested.

II. Rejection of Claims 1-4, 6-32, 34-37, and 39-41 Under 35 U.S.C. §103(a)

Claims 1-4, 6-32, 34-37, and 39-41 stand rejected under 35 U.S.C. §103(a) over Rayes et al. (US 2005/0086502 A1, hereinafter Rayes), in view of Clayton et al. (US 6,971,101 B1, hereinafter Clayton). This rejection should be withdrawn for at least the following reason: Rayes and Clayton, either alone or in combination, do not disclose or suggest each and every limitation set forth in the subject claims.

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under **35 U.S.C. 103**, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The subject claims relate, in general, to gathering and aggregating data relating to the health, performance, and utilization of a plurality of networked systems, and utilizing the aggregated data to generate outputs relating to the state of at least one of the networked systems. The outputs can be used to notify a user (*e.g.* a system administrator) of potential problems detected on the system, generate reports based on the data, and provide automatic control of aspects of the networked system in response to the detected system state. The output can also be used to automatically limit aggregate utilization of one or more aspects of the system. For example, the system can monitor and limit overall bandwidth usage, e-mail, fax, or Internet usage. Furthermore, the claims recite aggregation of system data of multiple systems and output corresponding to respective states of a subset of components of a plurality of networked systems. Thus, the subject claims can enable a system administrator to obtain state data compiled for multiple systems, significantly reducing overhead in applying data compilation to multiple independent systems and manually aggregating that data. Such a method can be exceedingly slow and tedious, reducing an administrator's response time in taking necessary corrective actions. In particular, amended independent claim 1 recites, in part, *a component that obtains system data corresponding to a system component that resides on a first networked system and to a system component that resides on a second networked system, the second networked system is external to the first networked system, and an aggregator that aggregates the system data corresponding to the first networked system and the second networked system in accordance*

with predetermined rules, analyzes at least a subset of the system data and generates an output corresponding to respective states of a subset of components of the first and second networked systems, the output utilized to automatically limit aggregate utilization of at least one aspect of the first or second networked system according to a defined limit on overall utilization.

Rayes does not disclose each and every feature of the subject claims. Rayes relates to a security management system that can monitor a system's network health and security alerts, and use this information to take corrective measures against malicious activity by a system user. However, these corrective measures are not applicable to a plurality of networked systems, and do not provide respective states of different systems. Rather, the corrective measures are targeted at *individual users* according to calculated user risk levels associated with each user (see at least paragraphs [0038], [0057], [0063], [0080], and [0086]). Moreover, curtailment of a user's activity on the system is not driven by a *defined limit on an overall utilization of a system resource*, but rather is based on an alert state for the system combined with the aforementioned user risk associated with the user.

To address the deficiencies of Rayes, the Office Action dated 8-28-08 cites Clayton. In general, Clayton discloses prioritizing access to a network resource based on respective priority levels of different users. Clayton, like Rayes, does not disclose aggregating system data across multiple networked systems and providing an output based on the aggregated data. Accordingly, Clayton cannot cure the deficiencies of Rayes in this regard, and fails to provide any reason why Rayes should be modified to include these missing features of claim 1. Accordingly, Rayes and Clayton, alone or in combination, do not teach each and every aspect of claim 1, and accordingly do not render such claim obvious. For similar reasons as claim 1, each and every aspect of independent claims 28 and 34 are also not taught by the cited art.

With respect to claim 7, neither Rayes nor Clayton disclose or suggest predetermined rules comprising aggregation of data with a plurality of distinct networked systems. Both Rayes and Clayton deal only with a single system, and thus have no benefit for aggregating data across multiple systems. Accordingly, Rayes and Clayton do not teach or suggest each aspect of claim 7.

Likewise, with regard to claim 9, Rayes and Clayton do not teach or suggest an unprompted system component utilizing unicasting, multicasting or broadcasting techniques to send data to the component (of claim 1). Indeed, Rayes and Clayton are wholly silent regarding

such aspects. Additionally, with respect to claim 16, the cited art does not disclose a status report relating to at least one of system performance data, system health data or system utilization data of the **first and second networked systems**. With regard to claim 17, the cited art is wholly silent with regard to at least one schema table to provide optimal access of data relating to the output.

Furthermore, as recited in claim 18, the art does not employ the output to detect faulty errors in at least one of the networked systems. To this point, it is submitted that the Office Action of 8-28-2008 misconstrues Rayes. At paragraph 0047, Rayes describes a fault management system that reduces an amount of events describing the same fault being sent to external systems. This in no way teaches detecting faulty errors, however. Rayes assumes the errors are true errors, limiting only redundant output of the errors. In contrast, claim 18 discloses determining faulty errors, which are not true errors and do not pose a problem of mere redundant output. Accordingly, Rayes does not teach or suggest this feature of the subject claims.

In addition, claim 21 recites a system control parameter included in the output of claim 1 that comprises a load shed command or a load balancing command. Rayes and Clayton are wholly silent pertaining to the specific commands or any function similar to these commands. The above Office Action cites to paragraphs 0055 and 00121 of Rayes in claiming that these features are disclosed in the cited art. However, this misconstrues the art. Paragraph 00121 merely discusses a computer comprising input and output devices, such as a mouse, trackball, *etc.* The mere fact that a computer can output data in no way discloses outputting a load shed command or a load balancing command based on the aggregated system data of claim 1. Paragraph 0055, describing implementing a decision based on health of a network, is no more related to these specific features of claim 21 than the general input/output devices of paragraph 00121. Accordingly, claim 21 cannot be rendered obvious by the cited art, as the features of the claim are wholly absent in the art.

With respect to claim 36, the cited art is completely silent regarding a state determination service comprising an aggregation, analysis and control service for at least one networked system pertaining to at least one system administrator, a security action is implemented by the state determination service for the first networked system or the second networked system based on an input from the at least one system administrator. Claim 36 provides a valuable mechanism for aggregating data across a plurality of networked systems, outputting a state of components of

one or more of the systems based on predefined rules, and implementing a security action based on an input provided by a system administrator. In contrast, the disclosures of Clayton and Rayes relate only to automated systems, and obviate the benefits provided by claim 36. Accordingly, it is submitted that claim 36 is not taught or suggested by the cited art, and therefore cannot be rendered obvious by such art.

Further to the above, each of claims 2-4, 7-27, 29-32, 35-37, and 39-41 incorporate each and every limitation of their one or more base claims, and for at least the reasons cited above, are not taught or suggested by Rayes or Clayton, either alone or in combination. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP503USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731